IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THURSDAY, THE TENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT APPEAL NO : 377 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 20/01/2005 in WPMP NO.24603/04 in WVMP No.3750/04 & WVMP No.3414/04 in WP NO: 18706 of 2004 on the file of the High Court.)

Between:

Dokuparti Ramakrishna S/o. Upendra Rao,
R/o. D.No.11-25-302, Main Road, Vijayawada-1.

..... APPELLANT

AND

1 The District Collector, Machilipatnam, Krishna District.
2 The Sub-Collector, Vijayawada, Krishna District.
3 The Mandal Revenue Officer, Vijayawada (Urban), Vijayawad

a,

Krishna District.
4 The Deputy General Manager, GAS Authority of India, Ltd., (Gail),
G. Konduru, Krishna District.

.....RESPONDENTS

Counsel for the Appellant: MR.C.C.S.SASTRY

Counsel for the Respondents 1 to 3 : G.P. for Revenue

Counsel for the Respondent No.4: MR.R.RAGHUNANDAN

The Court at the stage of admission made the following :

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ORAL ORDER: (per the Hon'ble the Chief Justice)

Challenge is to the order passed by the learned single Judge on 20.1.2005 allowing the vacate applications filed by respondents and thereby vacating the interim order passed on 12.10.2004.

Appellant is the writ petitioner. The writ petition was filed questioning the proceedings dated 17.8.2004 issued by the Collector, Krishna District authorizing delivery of possession of 93 cents of land in R.S.No.70 of Vidhyadarapuram village Vijayawada to the 4th respondent for construction of CNG Mother station and Gas Terminal pending finalisation of allocation proposals. Challenge was made to the impugned proceedings in the writ petition stating that he has purchased the property through registered sale deed on 10.3.2004. On 12.10.2004, the petitioner has also obtained an interim order that pursuant to the proceedings impugned in the writ petition, he will not be displaced. After the interim order was passed by the learned single Judge, vacate applications were filed by the respondents and in their affidavits, respondents pointed out that possession of the land had already been made over to the 4th respondent on 27.8.2004 and it was the 4th respondent who was in actual physical possession of the land as on that date. The vacate applications were duly served on the petitioner-appellant and were taken up on two occasions. But, nobody appeared before the learned single Judge. Therefore, learned single Judge placing reliance on the affidavits of the respondents stating that the petitioner was not in possession of the land even on the date when the interim order was passed, proceeded to vacate the said order. Such an order can

hardly be interfered with.

In any case, filing of writ petition is not an appropriate remedy as the petitioner-appellant had already been dispossessed from the land in question. Questions of fact as regards title of land cannot be gone into by this court. On one hand the petitioner-appellant is claiming title and on the other hand the respondents are claiming to be in possession. Therefore, it is for the petitioner-appellant to approach the civil Court, establish his title and claim decree for possession. For that reason also, we find no merit to interfere.

The writ appeal is accordingly dismissed.

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DEVINDER GUPTA, C.J

Dated 10..03..2005

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B.SESHASAYANA REDDY,J

msv

To

1 The District Collector, Krishna District at Machilipatnam.
2 The Sub-Collector, Vijayawada, Krishna District.
3 The Mandal Revenue Officer, Vijayawada (Urban), Vijayawada,

Krishna District.

4 The Deputy General Manager, GAS Authority of India, Ltd., (Gail), G. Konduru, Krishna District.

5 2 CCs to GP for Revenue, High Court of A.P. Hyderabad (OUT)

6 2 CD copies.